

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROLANDO CRUZ BUENAFE,

Petitioner,

No. CIV S-01-2179 MCE JFM P

vs.

CLAUDE E. FINN, Warden,

Respondent.

ORDER

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 7, 2005, petitioner filed an untimely request for an extension of time to file objections to this court's March 8, 2005 findings and recommendations. On April 8, 2005, the district court adopted in full the March 8, 2005 findings and recommendations without objection from either party. On April 29, 2005, petitioner filed a letter to the Clerk of the Court, inquiring about the status of his request for extension of time in light of the district court's April 8, 2005 order.

Neither of the documents filed by petitioner were served on respondent. Petitioner is advised that every document submitted to the court for consideration must be served on respondents. Fed. R. Civ. P. 5; Rule 11, 28 U.S.C. § 2254. As a prisoner proceeding pro se, petitioner is required to serve all documents in this action conventionally in accordance with the

1 relevant provisions of Fed. R. Civ. P. 5. See Local Rule 5-135(b). Since an attorney has filed a  
2 document with the court on behalf of respondent, documents submitted by petitioner must be  
3 served on that attorney and not on the respondents. Fed. R. Civ. P. 5(b)(1). Conventional service  
4 is usually accomplished by mailing a copy of the document to the attorney's address of record.  
5 See Fed. R. Civ. P. 5(b)(2)(B). Petitioner must include with every document filed in this action  
6 a certificate stating the date an accurate copy of the document was mailed to respondent's  
7 attorney and the address to which it was mailed. See Local Rule 5-135(b) and (c).

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Petitioner's April 7, 2005 request for extension of time is denied; and  
10 2. Petitioner's April 29, 2005 letter shall be placed in the court file and  
11 disregarded.

12 DATED: May 6, 2005.

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15 UNITED STATES MAGISTRATE JUDGE

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